

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – Appeal petition filed by Sri Nalla Satyanarayana S/o Nalla Subha Rao, East Godavari (Kakinada) District against the Cancellation of the Scheduled Tribe Certificate the Proceedings No. Roc. B2/10219/94, dated - .10.1998 of the District Collector, East Godavari (Kakinada) District –Appeal rejected –Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 14

Dated: 28-04-2012.
Read the following:

1. Proceedings of the District Collector, East Godavari, No. Roc. B2/10219/94, dated - .10.1998.
2. Appeal petition filed by Sri Nalla Satyanarayana S/o Nalla Subba Rao, VSP Steel Plant, Visakhapatnam District, dt. 20.12.2000.
3. Govt. G.O.Ms.No. 23, SW(CV.2) dated 08.03.2002.
4. From APHC in WPMPNo. 8266/02 in WPNo. 6591/02, dt.10.04.2002
5. Govt. Memo No. 5602/CV.2/2002, SW(CV.2) Dept. dated 24.4.2002, dated 5.2.2003 and reminders thereon.
6. From the orders of APHC in WPNo. 6591/2002, dated18.09.2009.
7. Govt.Memo.No.5602/CV2/2002,SW(CV2)Dept, dated 08.10.2009.
8. From the District Collector, East Godavari Lr.No. C5/M/129/2001, dated 15.10.2009.
9. Govt. Lr.No. 5602/CV.2/2002, SW(CV.2) Dept, dated10.06.2010.
10. Govt.Memo.No.5602/CV2/2002,SW(CV2)Dept, dated 31.03.2012.

ORDER:

In the reference 1st read above the District Collector, East Godavari (Kakinada) has issued orders canceling Scheduled Tribe certificate obtained by Sri Nalla Satyanarayana S/o Nalla Subha Rao VSP Steel Plant, Visakhapatnam District, from the then Tahasildar, Rampachodavaram.

2. Sri Nalla Satyanarayana S/o Nalla Subha Rao have filed appeal petition before the Government against the proceedings of the District Collector. After examination of the Appeal Petition in the reference 3rd read above orders were issued by the Government rejecting the appeal petition of Sri Nalla Satyanarayana S/o Nalla Subha Rao duly confirming the orders issued by the District Collector, East Godavari District in the reference 1st read above.

3. Sri Nalla Satyanarayana S/o Nalla Subha Rao has filed WPMPNo. 8266/2002 in WPNo. 6591/2002 in A. P. High Court to suspend the operation of order passed by the 2nd respondent in proceedings No. Roc. B2/10219/94, dated - .10.1998 which are confirmed by the Government in G.O.Ms. No. 23, SW (CV.2) Department, dated 08.03.2002 is arbitrary, illegal and consequently set aside the same.

4. In the reference 4th read above, Hon'ble High Court of Andhra Pradesh, Hyderabad has set asided the orders issued in the reference 3rd read above and remitted the matter to the Government directing to re-hear the case and pass an appropriate order afresh. Since the dispute is pending for nearly two decades, the petitioner is not present on the date of hearing fixed by Government the case has been decided on the basis of the material available with Government on record.

p.t.o.

5. As per the orders (dated 18.09.2009) of the Hon'ble High Court of Andhra Pradesh, Hyderabad in WPMPNo. 8266/2002 in WPNo. 6591/2002, the District Collector, East Godavari (Kakinada) was requested to furnish connected records to finalize the Appeal Petition of Sri Nalla Satyanarayana S/o Nalla Subha Rao, in the reference 7th read above.

6. In the reference 8th read above, the District Collector, East Godavari (Kakinada) has furnished the original connected records of Sri Nalla Satyanarayana S/o Nalla Subha Rao.

7. In the references 9th and 10th read above, the Appellant was requested to attend the hearing on the Appeal Petition filed by him. The Appeal Petition was finally heard on 10.04.2012 by the Hon'ble Appellate Authority.

8. After examination of records and proceedings of the District Collector, East Godavari (Kakinada), dated. .10.1998, the written explanation submitted by the Appellant to the District Collector on 6.12.1996 it is observed that his father was born at Seethapalli (V) in the month of July 1936 and that the Tahsildar, Rampachodavaram has verified the birth extracts before issuing Konda Kapu certificate to the Appellant in the year 1983. But the birth extract has not been submitted. Sri Nalla Satyanarayana in his written explanation has stated that his caste was recorded as konda Kapu in school records and it is clear fact that neither his father or he and his sister married persons belonging to tribal community. The Collector, East Godavari District has stated that Sri Nalla Satyanarayana has not produced valuable evidence such as his tribal status. The Hon'ble High Court delivered a judgment in WP No. 11051/88 wherein it was stated that the burden of proof relating to social status always lies on the party affected. The enquiry of the Mandal Revenue Officer. R.Chodavaram revealed that no persons with surname "Nalla" resided in Seethapalli village. Further it is observed that the Appeal Petition has submitted same previous grounds and written arguments, on perusal of the available records and the evidences produced by the parties, the orders of the Collector, East Godavari (Kakinada) in confirming the orders issued by the then Joint Collector, East Godavari (Kakinada), canceling the ST Caste Certificate (Konda Kapu) of the Appellant issued by the Tahsildar, Rampachodavaram are in accordance with the Rules. Hence no further claim in the matter would be admitted.

9. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri Nalla Satyanarayana S/o Nalla Subha Rao does not deserve any interference. Hence, Proceedings of the District Collector, East Godavari (Kakinada) issued vide No. Roc. B2/10219/94, dated - .10.1998 is hereby upheld and the appeal of Sri Nalla Satyanarayana S/o Nalla Subha Rao is hereby rejected.

10. The District Collector, East Godavari (Kakinada) shall take necessary action in the matter.

11. The records (containing No. B2/10219/94,c.f.p 01 to 282 and n.f.p :01 to 34) received from the District Collector, East Godavari (Kakinada), through 8th read above, are returned herewith in original to District Collector, East Godavari (Kakinada) and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector, East Godavari (Kakinada) (ByRPAD) (w.e)

(With original records)

Sri Nalla Satyanarayana S/o Nalla Subba Rao,
VSP Steel Plant, Visakhapatnam District.

P.t.o.

Smt. M.Bhaskara Lakshmi, Advocate,
Plot No. 951/A, Road No. 46,
Dr. Ambedhkar University Road, Jubilee Hills, Hyderabad.

Copy to: The P.S. to M (TW)
The P.S. to Principal Secretary (TW)
The Director, TCR &TI, AP., Hyderabad.
SF/SC

// Forwarded :: By Order //

SECTION OFFICER.